



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,536	06/10/2005	Wolfgang Rohde	LU 6075 (US)	4252
34872	7590	12/09/2008	EXAMINER	
Basell USA Inc. Delaware Corporate Center II 2 Righter Parkway, Suite #300 Wilmington, DE 19803			NGUYEN, CAM N	
			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			12/09/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/538,536

**Applicant(s)**

ROHDE ET AL.

**Examiner**

Cam N. Nguyen

**Art Unit**

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/15/08 (an amendment/response).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to Amendment**

1. The amendment filed on 08/15/08 has been made of record and entered. Claims 1, 7, & 8 have been amended. Claim 10 has been added.

Claims 1-10 are currently pending in this application.

**Claim Rejections - 35 USC § 102(b)**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by McDaniel (US Pat. 4,301,034).

McDaniel discloses a method of preparing a catalyst comprising: combining a silicate ester and water by slowly adding said ester and said water to a solvent-water-sulfuric acid catalyst mixture which mixture contains said solvent in an amount within the range of 0.1 to 10 volume percent .....,after the hydrolysis is complete adding an alcohol soluble titanium compound, thereafter adding additional water and holding at an elevated temperature for 1 to 5 hours to permit particle growth, adding a chromium compound soluble in the reaction mixture and thereafter introducing ammonia to bring about gelation, thereafter aging at reflux temperature for 1 to 2 hours, removing the water and solvent and drying the resulting silica (see

col. 13- col. 14, claim 42). The solvent is alcohol and suitable alcohol solvents including methanol (see col. 14, claim 46 & col. 2, ln 51). The method further comprising activating the silica resulting after said water and solvent have been separated by heating in air at a temperature within the range of 315 to 760°C (see col. 14, claim 43). Suitable chromium compounds including chromium III nitrate (see col. 5, ln 40). Suitable titanium compounds including titanium tetraisopropoxide (see col. 14, claim 44). See also Example I at col. 7 of the reference, which teaches to use 18 g of water and 107.5 g of 2-butanol (solvent), which provides for about 16% of water, which meets the claimed water content being required in the instant claim 1. See also other Examples in the reference for further details. *The reference further discloses that the titanium compound and/or chromium compound can be added prior to gelling the silica with an acid neutralizing agent (see col. 2, ln 11-14 and also col. 5, ln 37-43). This teaching provides for preparing a mixture of support material, with a protic medium containing water content less than 20% by weight and comprising a titanium compound and a chromium compound in a single step, which the instant claims require.*

There is no patentable distinction seen between the claimed process and that disclosed by McDaniel. Thus, the claims are anticipated by the teaching of the reference.

### **Response to Applicants' Arguments**

3. The remarks filed on 08/15/08 has been fully considered, but not deemed persuasive in view of the new ground of rejection above and the following reasons.

Applicants' argument regarding the McDaniel et al. reference for not teaching the claimed "a single step" limitation is noted. Reviewed of the McDaniel et al. reference, it also

teaches that the titanium compound and/or chromium compound can be added prior to gelling the silica with an acid neutralizing agent (see col. 2, ln 11-14 and also col. 5, ln 37-43). This teaching provides for preparing a mixture of support material, with a protic medium containing water content less than 20% by weight and comprising a titanium compound and a chromium compound in a single step, which the instant claims require.

Examiner does not see a patentable distinction between the claimed process and that disclosed by the reference. Thus, the rejection is maintained.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Conclusion**

5. Claims 1-10 are pending. Claims 1-10 are rejected. No claims are allowed.

**Contacts**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Primary Examiner

Art Unit: 1793

/C. N. N./

December 05, 2008